

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

RODNEY FOSTER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:18-cv-01014-CDP
)	
EXETER FINANCE LLC, et al.,)	
)	
Defendant.)	

STIPULATED FACTS

1. This is an action for statutory damages brought by an individual consumer for alleged violations of the Fair Credit Reporting Act, 15 U.S.C. §1681 *et. seq.* (“FCRA”) against Chex Systems, Inc. (“Chex”).

2. This Court has jurisdiction of the FCRA claim under 15 U.S.C. §1681(p) and 28 U.S.C. §1331.

3. Venue is appropriate in this Court because Defendant directed its alleged conduct at Plaintiff in St. Louis County, Missouri.

4. Plaintiff is a natural person currently residing in St. Louis County, Missouri.

5. Defendant, Chex is a specialized “consumer reporting agency” as defined in FCRA, 15 U.S.C. §1681(f) and is engaged in the business of assembling, evaluating, and disbursing information concerning consumers for the purpose of credit reports, as defined in 15 U.S.C. §1681(d) to third-parties. Chex is a specialized reporting agency, in that it does not report consumer debt, but instead reports on consumer banking history.

6. Chex is a foreign corporation with its principal place of business in Woodbury, Minnesota.

7. Plaintiff opened a banking account at First Bank on December 2, 2010.

8. First Bank maintains they have a charge-off amount for Plaintiff for \$779.88 for non-sufficient funds and closed his account.

9. First Bank reported this charge-off and non-sufficient funds to Chex as a tradeline with a closure status of PAID IN FULL and closure status date of February 19, 2016. The records show the account was closed on April 14, 2014.

10. Plaintiff discovered First Bank's tradeline and on March 28, 2018 mailed a written dispute letter to Chex.

11. The letter included a photo ID of Plaintiff and a St. Louis Community bank statement.

12. Chex received the dispute on April 6, 2018 and sent a letter to Plaintiff on April 7, 2018 acknowledging his dispute was being investigated.

13. For the reinvestigation Chex faxed over a request for investigation form at 7:39 a.m. to First Bank on April 12, 2018, with blank check mark boxes to verify if the information was accurate or not. In addition, the form contained designated space for First Bank to provide a narrative explanation of any issues they deemed appropriate to address. A copy of the request is attached. Chex was attempting to confirm the accuracy of the banking history of Plaintiff.

14. On April 12, 2018 at 8:53 a.m., First Bank responded to Chex. In its response, it checked two boxes indicating "yes" to the following questions: "Is the reporting reason non-sufficient funds (NSF) accurately submitted to Chex? Is the above information accurate and should remain in Chex?"

15. In response to a subpoena issued by Plaintiff, First Bank provided a document entitled "Data Contribution" which shows that as of April 17, 2018 the following notation was

included regarding Plaintiff's account: "A Non-Sufficient-Funds." A copy of the subpoena response is attached.

16. On April 17, 2018 Chex mailed a letter to Plaintiff indicating that the investigation of information contained in his consumer file with Chex was complete. They informed Plaintiff the disputed information by First Bank was verified as accurate and will be retained in his file.

17. Several companies made inquiries to Chex concerning Plaintiff, and were provided copies of his consumer file, including: Progressive Finance, LLC on May 8, 2017, FedEx Employees Credit Association on March 29, 2017 and June 3, 2017 and St. Louis Community Credit Union on March 31, 2016.

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